

## Chapter 13.04

### ENCROACHMENTS AND EXCAVATIONS

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#### **13.04.010 Definitions.**

As used in this chapter:

A. “Encroachment” includes any tower, pole, pole line, pipeline, fence, billboard, stand, driveway, building excavation or any structure or object of any kind or character not particularly mentioned in this subsection, which is placed in, under or over any portion of the entire width of right of way of a county highway;

B. “Highway” includes all or any part of the entire width of right of way of a county highway, road, street or alley, whether or not such entire area is actually used for highway purposes;

C. “Person” means any person, firm, partnership, association, corporation, district or organization;

D. “Road commissioner” means the county director of transportation appointed pursuant to Section 2006.1, Streets and Highways Code, laws of the state;

E. “Signs” and terms related to signing and advertising are defined in the Outdoor Advertising Act, Section 5200 et seq. of the Business and Professions Code, laws of the state. (Ord. 93-02 § 2, 1993; Ord. 417 § 1, 1971.)

#### **13.04.020 Permit – Required.**

A. It is unlawful for any person to make any encroachment in, under, over or on any county highway without first having obtained written permit from the county road commissioner. The road commissioner is authorized to issue written permits, as provided herein, authorizing the permittee to do any of the following acts:

1. Make an opening or excavation for any purpose in any county highway;
2. Place, change or renew any encroachment;
3. Place or display in, under or over any county highway any kind of informational sign or device when such sign or device informs the public of some unique geographical feature or natural phenomena. Any sign or device placed contrary to the provisions hereof is a public nuisance and may be removed immediately.

Nothing herein contained shall prohibit the posting of any notice in the manner required by law or by the order of any court of this state;

4. Plant, remove, cut down, injure or destroy any tree, shrub, plant or flower growing along such county highway.

B. The permit or a copy thereof shall be kept at the job site during construction and/or installation. (Ord. 417 § 2, 1971.)

#### **13.04.20 Exceptions.**

The following are exceptions to Section 13.04.020:

A. Those building permit applications for porches, decks, garages, agricultural buildings, and such other additions or remodeling projects that do not allow for, or would permit, increased occupant densities. Applications shall be submitted requesting that an exception be granted. The director of public works shall receive the request for exception and, upon proper finding, issue the exception. (Ord. 81-417-A § 2, 1981.)

#### **13.04.030 Work authorized by permit.**

Any act done under the authority of a written permit, issued pursuant to the provisions of this chapter, shall be done in accordance with the provisions of this chapter and the terms and conditions specified in the permit. (Ord. 417 § 3, 1971.)

#### **13.04.040 Permittee payment responsibility.**

Any permit issued pursuant to the provisions of this chapter shall provide that the permittee will pay the entire expense of replacing the highway in as good condition as before, and may provide such other conditions as the road commissioner may require for the protection of the highway. (Ord. 417 § 4, 1971.)

#### **13.04.050 Blanket permit.**

A city, public corporation, political subdivision or special district may, at the discretion of the road commissioner, be issued a blanket permit, renewable annually, for the installation of service connections and for ordinary maintenance of its facilities located or installed in county highways, but this permit may be revoked at the discretion of the road commissioner if the permittee fails to comply with the terms of this chapter and of such permit. (Ord. 417 § 5, 1971.)

#### **13.04.060 Permit – Fee.**

Persons applying for permits under this chapter shall pay a fee in an amount set by resolution of the board of supervisors, not to exceed the county's costs of administering this chapter. (Ord. 00-02 § 2, 2000; Ord. 82-417-B § 1, 1982; Ord. 81-488-A § 1, 1981; Ord. 81-417-A § 1, 1981; Ord. 80-488 § 1, 1980; Ord. 74-446 Art. III § 17, 1974; Ord. 417 § 6, 1971.)

**13.04.070            Bond or cash deposit required.**

Each permittee shall be required to furnish a bond or cash deposit sufficient to defray the cost of repairing the highway, the amount thereof to be specified in the permit. (Ord. 417 § 7, 1971.)

**13.04.080            Violation – Civil liability.**

Any person violating any of the provisions of this chapter is civilly liable in damages to the county for the reasonable value of the cost or removal of any encroachment and the cost of the repair of any county highway. Such action may be maintained by county road commissioner for and on behalf of the county. (Ord. 417 § 8 (part), 1971.)

**13.04.090            Enforcement.**

The provisions of this chapter may be enforced by any peace officer, the county road commissioner or any person duly authorized. (Ord. 417 § 10, 1971.)